IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 25TH OCTOBER 2006 / 3RD KARTHIKA 1928

OP.No. 7141 OF 1999(A)

PETITIONER:

K.P. KUNJALAVI, HIGHER SECONDARY SCHOOL TEACHER, I.K.T. HIGHER SECONDARY SCHOOL, CHERUKULAMBA, MAKKARAPARAMBU (VIA) MALAPPURAM DISTRICT.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, TRIVANDRUM.
2. THE SECRETARY, GENERAL EDUCATION (A) DEPARTMENT, GOVT. OF KERALA, TRIVANDRUM.
3. THE DIRECTOR OF PUBLIC INSTRUCTIONS, TRIVANDRUM.
4. THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM.
5. THE DISTRICIT EDUCATIONAL OFFICER, MALAPPURAM.
6. THE MANAGER, I.K.T. HIGHER SECONDARY SCHOOL, CHERUKULAMBA, MALAPPURAM.
7. P.N. KESAVAN, H.S.A. DO.
8. K.A. VARGHESE, HEADMASTER, DO.

GOVERNMENT PLEADER SRI. JIKKU JACOB.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 25/10/2006, ALONG WITH OP. 24327 OF 1999 THE COURT ON THE SAME DAY, DELIVERED THE FOLLOWING:

O.P. 7141/1999

ORDER ON CMP NOS. 12050 & 21960/1999 IN O.P. 7141/1999

// DISMISSED //

25TH OCTOBER, 2006. SD/-
P.R. RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXTS.P1	TRUE COPY OF TE G.O.(Rt.) NO. 668/83/G. EDN. DATED 3.3.1982.
EXT.P2	TRUE COPY OF THE ORDER NO. A/4-10495/85 DATED 15.11.1985.
EXT.P3	TRUE COPY OF THE PROCEEDINGS OF THE D.E.O., MALAPPURAM.
EXT.P4	TRUE COPY OF THE ORDER DATED 25.8.90 OF 5TH RESPONDENT.
EXT.P5	TRUE COPY OF THE REPRESENTATION DATED 10.9.1992 OF THE 7TH RESPONDENT.
EXT.P6	TRUE COPY OF THE ORDER DATED 26.3.1998.
EXT.P7	TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER.
EXT.P8	TRUE COPY OF THE G.O. (Rt) NO. 884/99/g.eDN. DATED 20.2.1999.
EXT.P11	TRUE COPY OF APPOINTMENT ORDER DATED 1.4.2000 ISSUED BY THE MANAGER, I.K.T., HIGHER SECONDARY SCHOOL TO PETITIONER.

RESPONDENTS' EXHIBITS:

NIL.

// TRUE COPY //

P.S. TO JUDGE.

knc/-

P.R. RAMAN, J.

O.P. NOS. 7141/1999 & 24327/1999

DATED THIS, THE 25TH DAY OF OCTOBER, 2006.

J U D G M E N T

The subject matter of these writ petitions being common, they are disposed of by this common judgment.

2. Petitioner in O.P. 7141/1999 seeks to quash Ext.P8 order and also for a declaration that he is the only person entitled to the post of Headmastership after the retirement of the 8th respondent. Petitioner in O.P. 24327/1999 also seeks for a declaration that he is entitled to the post of teacher-in-charge with effect from 28.11.1989 and for promotion as Headmaster with effect from 1.6.1992 with all consequential benefits and seeks appropriate direction to implement Ext.P3.

3. Ext.P3 produced in O.P. 24327/1999 is same as Ext.P8 produced in O.P. 7141/1999. Reference will now made to Ext.P8 produced in O.P. 7141/1999 which is an order by which the Government concluded that the appointment of Sri. K.A. Varghese as Headmaster by inter- management transfer by cancelling the appointment of Sri.. K.P. Kunhalavi (petitioner in

O.P. 7141/1999) as teacher in charge and approval given for the same vide L.Dis. A6-6684/90 dated 25.8.1990 of the District Educational Officer, Malappuram happened due to mis-interpretation of the provision of the K.E.R. by the Manager and the District Educational Officer and hence irregular. By the same order, Government, invoking Rule 3 Chapter I of the Kerala Education Rules, ordered that Sri. K.A. Varghese will be reverted to his parent school ie. Z.M. High School, Poolamangalam with effect from the academic year 1999-2000 without loss of any service benefits and that Sri. P.K. Kesavan (Petitioner in O.P. 24327/1999) will be promoted as Headmaster in the vacancy of Sri. K.A. Varghese with effect from the academic year 1999-2000.

4. During the pendency of the original petition, it is submitted that, the school was upgraded as a Higher Secondary School and Sri. Kunhalavi, petitioner in O.P. 7141/1999 was appointed as teacher in the Higher Secondary Section on 2.9.1991 and subsequently became principal on 1.4.2000 and retired from service on 31.3.2003. Petitioner in O.P. 24327/1999 was appointed as Headmaster with effect from 2.9.1999 and still continues as such. In such circumstances, both the petitioners in the respective original petitions have been accommodated to the respective positions - one as a teacher in the Higher Secondary Section and thereafter,

as Principal and the other as Headmaster of the High School . Hence there is no subsisting grievance to be redressed in these original petitions.

Recording the above submission, these original petitions are closed.

P.R. RAMAN,
(JUDGE)

knc/-

P.R. RAMAN, J.
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O.P. NOS. 7141 & 24327/1999
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J U D G M E N T

25TH OCTOBER, 2006.